

### **Remarks**

#### **Specification**

The amendments to the specification are to properly reference referred to sequences. The amendments to the specification do not introduce prohibited new matter.

#### **Restriction Requirement**

Without acquiescing to the merits of the allegation that the inventions of Groups I-IV lack the same inventive concept, Applicants respectfully elect with traverse Group I, claims 26-41, 45-46, and 51-58, directed to a peptide mixture or immunogenic composition.

With regard to the first species election, Applicants elect the species of the combination of HCV C peptide of amino acids 27-51 and HCV NS3 peptide of amino acids 1524-1553 (SEQ ID NO: 24), which reads on claims 26-33, 35-41, 45, 46, and 51-58.

With regard to the second species election, Applicants elect the species of the combination of the CD8+ epitope (*see* claim 52), and the HCV NS3 CD8+ epitope (*see* claim 53), which reads on claims 26-41, 45, 46, 51-53, and 56-58.

With regard to the third species election, Applicants submit that no further election of a further sub-fragment for HCV C 27-51 is necessary as there is only one sub-fragment claimed for the elected species (*see* claim 33). With regard to the NS3 1524-1533 peptide, Applicants elect the sub-fragment NS3 1538-1552 (*see* claims 36 and 37), which read on claims 26-40, 45, 46, and 51-58.

Applicants respectfully point out that at a minimum the inventions of Group I, Group II, and Group III should be grouped together because the peptide of Group I is made using the nucleic acid of Group II, and the method of Group III is performed with the peptide mixture of Group I.

Further, Applicants respectfully point out that MPEP 821.04(b) requires that once a product claim is found allowable, withdrawn method claims which depend from or otherwise include all the limitations of the allowable product claim must be rejoined. Thus, at a minimum, once a claim directed to a product (claims 26-41, 45-46, and 51-58) is found allowable, withdrawn method claims (claims 59-64) which depend from or otherwise include all the limitations of the allowed claim must be rejoined.

Conclusion

**Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

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Respectfully submitted,  
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